

#### REMARKS

The specification has been amended on page 8 to indicate that the data carrier may be a computer-readable medium.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants believe that the above changes answer the Examiner's 35 U.S.C. 101 rejection of claims 4 and 5, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1-7 under 35 U.S.C. 102(b) as being anticipated by the article "Encoding and Reconstruction of Multiview Video Objects" by Ohm.

The Ohm article discloses the use of MPEG-4 in encoding multiview video objects.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that Ohm teaches the claim limitation "encoding a type of the disparity map to be used for the reconstruction of an image", and references "Compression of Multiple Views", "The 'Incomplete-3D' Technique", and states "Note, Ohm

teaches the encoding of the type "areas of interest" as MPEG-4 video objects and the encoding of the disparity maps as auxiliary components."

Applicants submit that the Examiner is mistaken. In particular, it appears that the Examiner equates the "type of the disparity map to be used for the reconstruction of an image" to the "areas of interest" as described in Ohm. Ohm describes "areas of interest" on page 51:

"The general concept is to limit the number of pixels that have to be encoded by analyzing the correspondences between the particular views available, such that for an object, each area that is visible within more than one camera view is encoded only once (with the highest possible resolution). If the disparity correspondences are estimated from the original views, it is straightforward to reconstruct all the areas that were excluded from encoding via disparity-compensated projection (Fig. 4).

"We denominate the areas that are retained for encoding from each of the particular camera views as the "areas of interest" (AOI). These AOIs can now be defined simply as MPEG-4 video objects, and are encoded with their associated disparity values."

Referring to the subject specification on page 5, line 17 to page 6, line 3, a description is made of the "type of the disparity map...".

Applicants submit that one skilled in the art would realize that the type of the disparity map is not equivalent to the "areas of interest" of Ohm.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-7, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611